

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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WELLS FARGO BANK, N.A.,

Plaintiff,

v.

COMMENTS SOLUTIONS, LLC and  
SELF-HELP CREDIT UNION,

1:19-cv-00077-NLH-KMW

Defendants.

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**ORDER GRANTING JUDGMENT**

SELF-HELP CREDIT UNION,

Third-Party Plaintiff,

v.

COMMENTS SOLUTION, LLC,

Third-Party Defendant.

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**APPEARANCES:**

ADAM BUSLER  
FOX ROTHSCHILD LLP  
1301 ATLANTIC AVENUE  
SUITE 400  
ATLANTIC CITY, NJ 08401

*On behalf of Plaintiff Wells Fargo Bank, N.A.*

DENISE E. CARLON  
KML LAW GROUP PC  
701 MARKET STREET  
SUITE 5000  
PHILADELPHIA, PA 19106

*On behalf of Third-Party Plaintiff Self-Help Credit Union.*

**HILLMAN, District Judge**

WHEREAS, this action for interpleader relief was initiated by Plaintiff Wells Fargo Bank, N.A. on January 3, 2019 [ECF No. 1]; and

WHEREAS, Third-Party Plaintiff First Legacy Community Credit Union filed an Answer, Crossclaim, and Third-Party Complaint against Defendant Comments Solution, LLC on March 4, 2019, [ECF No. 7], seeking the return of a monetary sum allegedly fraudulently transferred to Defendant Comments Solution, LLC; and

WHEREAS, this Court granted Third-Party Plaintiff First Legacy Community Credit Union's Motion to Substitute Party on August 27, 2020, substituting Self-Help Credit Union as successor-in-interest pursuant to Federal Rule of Civil Procedure 25(c) [ECF No. 30]; and

WHEREAS, pending before the Court is Third-Party Plaintiff's motion for entry of default judgment pursuant to Federal Rule of Civil Procedure 55 [ECF No. 29]; and

WHEREAS, Rule 55 provides that obtaining a default judgment is a two-step process: first, when a defendant has failed to plead or otherwise respond, a plaintiff may request the entry of default by the Clerk of the Court, Fed. R. Civ. P. 55(a), and second, after the Clerk has entered the party's default, a plaintiff may then obtain a judgment by default by either (1)

asking the Clerk to enter judgment, if the judgment is a sum certain, or (2) applying to the Court, Fed. R. Civ. P. 55(b); and

WHEREAS, Third-Party Plaintiff requested the entry of default by the Clerk, and the Clerk entered default on July 1, 2020; and

WHEREAS, Third-Party Plaintiff moves for entry of default judgment pursuant to Rule 55(c); but

WHEREAS, Rule 55(c) addresses the circumstances under which a court may set aside an entry of default judgment, not the process for entering default judgment; and

WHEREAS, Third-Party Plaintiff is seeking a sum certain for payment of the amount transferred from Third-Party Plaintiff to Defendant<sup>1</sup>;

Therefore,

IT IS HEREBY on this 20th day of January, 2021  
ORDERED that Third-Party Plaintiff's motion for default judgment [ECF No. 29] be, and the same hereby is, DENIED AS MOOT; and it is further

ORDERED that the Clerk of the Court is directed to enter the judgment of default, pursuant to Fed. R. Civ. P. 55(b)(1),

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<sup>1</sup> Third-Party Plaintiff recognizes that it is seeking a sum certain, noting that "The claim of the Third-Party Plaintiff is for a sum certain or a sum that can be made certain by computation." (ECF No. 29-1 at ¶ 5).

in favor of Third-Party Plaintiff Self-Help Credit Union and  
against Defendant Comments Solution, LLC in the sum of  
\$134,025.30.

At Camden, New Jersey

/s Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.